

UNITED STATES DISTRICT COURT

For the District of Massachusetts

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U.S. DISTRICT COURT
DISTRICT OF MASS.

CASE No.

Plaintiff

Carline Vilbon

vs.

Defendant

Khalid Idrissi Hamli

VERIFIED COMPLAINT FOR FRAUDULENT CONTRACT

I, the Plaintiff Carline Vilbon, who married the Plaintiff Khalid Idrissi Hamli, resided at 74 Prince Street, in the city of Pawtucket of the county of Providence, state of Rhode Island, shockingly learned in 2017 that he had previously engaged with another woman named Lina whom he introduced me as his cousin. And later learned that it the Defendant deceived me, for it was Lina that he had planned to marry and build a life-long partnership with prior to our marriage.

As ground for this Counter Claim, I state the following Counts:

COUNT I BREACH OF CONTRACT

1. I the Plaintiff, repeat each and every allegation contained in the first count hereof as though set out herein at full length and made part hereof.
2. On July 4, 2021, Khalid Idrissi Hamli and I took our vow of marriage in Fez, Morocco.
I married Khalid with the intentions to remain with him for life, and have faithfully

performed my duties to him as wife. Khalid on the other hand did not fulfil his obligations to me as a husband, as I learned six years after our marriage that he did not intend to remain married to me and his intentions was to fulfill his goal in obtaining immigration benefits through marriage.

3. I also became aware that a woman named Lina Benjelloun, whom Khalid introduced me as his cousin was in fact his fiancé through their intimate text conversation, where they referred to each other as husband and wife. Since that time, I became unsettled. But Khalid continued to deny his relationship with Lina. But through Khalid's actions, I realized that he fraudulently married me, and planned to marry Lina after he exploited me. I have spent over \$ 75,000.00 USD in supporting Khalid to enter the United States, and emotional abuse, I suffered financial loss and extreme emotional distress.

WHEREFORE: I, the Plaintiff demand Judgment on this count.

- (a) That the condition of the marriage prohibits his misconducts, which grants me the right to void it by default.

COUNT II EQUITABLE ESTGOPEL

I, the Plaintiff, each and every allegation contained in the first count thereof as though set out herein at full length and made part hereof.

1. The Plaintiff's denial of stating that Lina is his cousin, automatically ended the marriage, which covenant was supposed to bind us, and embarrassed me and my brothers, Wilhem and Sony Vilbon; whom he utilized to reconcile the marriage, to enrich himself, Lina and her mother.

2. The Defendant only contacted my brothers when he wanted to exploit them, but failed to call them like he had previously done to at least explain what cause him to stop the relationship, which demonstrated his selfishness in contradiction to his commitment to the marriage.

WHEREFORE: I, the Plaintiff demand Judgment on this count:

- (A) That this Court view the Plaintiff concealed a relationship, to the point that he fooled me and my brothers before he entered in the U.S.
- (B) That the conditions of the marriage prohibits his misconducts, which grants me the rights to void it by default.

COUNT III (FRAUDULENT MISREPRESENTATION)

1. Khalid had a fiancée named Lina who he planned to marry and spend his life with before he married me, but lied to me, which marriage has become a non-bona fide contract. In other word, he induced me to marry him in bad faith.
2. I discovered that he maintained his previous commitment to her, to the point that he sent \$4,000 USD to Lina's mother, so she could start a business.
3. Between October to November 2017, I saw a text conversation between Khalid and Lina. Although they were communicating in their native language, which I could not understand, Lina sent many kissing emogies to Khalid, and both referred to each other as darling only, but he pretended that there is no existing relationship between them by stating "She is my cousin".

4. To reconcile with me during that period of trauma, the Plaintiff contacted my brothers, Wilhem and Sony Vilbon, via telephone conversation, whom he also manipulated, which made me upset, because he dishonored me, who have introduced him to them as the person who supposed to be committed to spend the rest of my life with.
5. In April 2018, Hassan Elmesbahi, a friend of Khalid translated the conversation for me, which signified husband and wife, who are building a financial partnership.
6. On August 9, 2021, the same text conversation between Khalid and Lina was translated professionally by U.C. Translations, which certified their prior engagement, and plans which they were making for their future together.

An intent to deceive is an essential element in an action for fraud. *Cliftex Clothing Co., Inc.*, 88 R.I. at 344, 148 A.2d at 275 (citing *White & Co. v. Fitch*, 19 R.I. 687, 36 A. 425 (1897)).

7. The Plaintiff concealed his romantic relationship with Lina Benjelloun prior to our marriage, and led me to belief that she was his cousin, and when I started to detect that the Plaintiff's deceived me about his prior engagement and plans with Lina, I became devastated as this matter caused the ruin of my relationship with the Plaintiff, and ended our marriage.

The state is particularly interested in seeing that no marriage is declared void as the result of fraud unless the evidence in support thereof is both clear and convincing, and the fraud is "such fraud as directly affects the marriage relationship and not merely such fraud as would be sufficient to rescind an ordinary civil contract." *Turfe v Turfe* (2018), California Court of Appeals (*Id.* at pp. 6–7,

1. Prior to obtaining his green card, which the Plaintiff obtained fraudulently through this marriage, in violation of 8 U.S.C. § 135(c) the Plaintiff signed under the pains and penalties of perjury, on the I-130 and I-751 forms, that he is not enter this marriage to evade any U.S. Immigration law

2. Once Khalid gained entry into the U.S. by defrauding me, he emotionally abused me for two months and left me shortly after he discovered that he could not become a U.S. citizen due to derogatory information in his file with the U.S.C.I.S. which indicates that he committed marriage fraud. Khalid failed to attend his citizenship interview, which the U.S.C.I.S. requested my presence for further investigation, and totally abandoned his citizenship application. By abandoning his citizenship application and interview, which I was commended to appear with Defendant, the Defendant also violated 18 U.S.C. § 1429 which makes unlawful under the Immigration and Nationality Act for anyone to neglect or refuse to appear and testify at the final hearing of an application for naturalization.
3. The Plaintiff left me, shortly after his goal was accomplished, when he realized that he could no longer exploit me. Two months after his Citizenship interview, which Kahlid refused, he moved out of my home, while my son and I were sleeping on October 29, 2019 and has not returned to the U.S.C.I.S. to explain his absence or refusal to attend his interview, and continued to conceal information that is material to his admissibility in violation of fraudulent marriage, 8 U.S.C. § 125.
4. On October 30, the day after the Defendant unexpectedly moved out of my house, he plotted an event, to have me incarcerated, in order to secure his immigration benefits through the Violence Against Women Act "VAWA" the Immigration Act.

WHEREFORE, I demand judgment on this count:

- (A) Declaring and adjudging the purported marriage between the parties be null and void;
- (B) Compelling the Defendant to reimburse all the fund I spent from the start of the relationship to such annulment.

(C) For such further relief as the Court may deem just and equitable.

COUNT VI (UNJUST ENRICHMENT)

1. I, the Defendant, repeat each and every allegation contained in the first count hereof as though set out herein at full length and made part hereof.

Unjust enrichment is an equitable doctrine that in the absence of an enforceable contract allows a plaintiff to recover a benefit conveyed to a defendant if that defendant's ongoing possession would be unjust. *Café La France, Inc. v. Schneider Sec.*, 281 F. Supp. 2d 361, 375 (D.R.I. 2007) (citing *Doe v. Burkland*, 808 A.2d 1090, 1095 (R.I. 2002)).

2. As such, the Plaintiff has enriched himself under false pretention. From the time I got engaged to Khalid, until he came to the U.S, I spent more than \$15, 300.00 USD in filing, travelling fees, and expanses for a marriage, and spousal support of \$ 61,795.00, for three years as required by U.S. immigration laws, which was based on Fraud and Concealment. After he immigrated into the U.S., the plaintiff's income increased by ten times of his salary from Morocco. Yet, Khalid used his financial gain to support Lina Benjelloun, his family
3. As such, Khalid Falsely claimed to love me, and did not intend to remain to the legal commitment, which permit him to be with me before he entered to the U.S.A, by means of fraudulent marriage.
4. Khalid had an annual income of approximately \$3,000.00 USD or less before he

married me and came to live with me in the U.S.A. With my support, his income has increase to an average of a weekly wage of \$600 USD.

WHEREFORE, I, the Defendant, demand Judgment on this Count:

- (A)** That the Plaintiff acted in bad in faith in seducing me, to the point that I married him, which negatively affected my child and only, Altamir Alexandre Vilbon, who he pretended to consider as his biological son, until I have discovered that he was fake.
- (B)** That the Plaintiff did not tell me that he was going to support another woman and her mother to start a business with the money that he could have spent on me and my son, who have helped him in the United States.
- (C)** If the Plaintiff could not remain consistent to his previous commitment, as I signed documents which he submitted to the United States of America's Immigration and Naturalization, then he must admit such marriage annulment.

COUNT V (EMOTIONAL DISTRESS)

1. The Defendant left me traumatized by deceiving and emotionally abusing me. I am still in shock that I never knew Khalid, the man I loved and considered as my husband. I am still in treatment to process the trauma Khalid inflicted on me. On the day Khalid moved out of my house, I suffered mental shock and totaled my car.
2. For a long period of time, I suffered from inability to concentrate, sleep disturbance, nightmares, anxiety, and severe emotional pain.
3. The flashbacks that I continue to experience are disturbing.

4. My emotional pain and suffering persist, resulting from deception and harm from Khalid whom I loved and trusted.
5. I have been humiliated and shamed by Khalid, because he made me believe that he had good intentions. I have spoken highly of him to members of my family, and since Khalid left, I have been suffering from social isolation. I have also been avoiding my family, because I am ashamed and dishonored by Khalid.

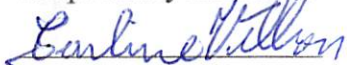
COUNT VI (LOSS OF ENJOYMENT OF LIFE)

1. The money that I spent for Khalid to enter the United States is more than I have ever had and consisted of my entire life's saving.
5. Khalid wasted seven (7) of my precious years which cannot be replaced. Because I am forty-nine (49) years-old. By believing Khalid's false promises, to be with me for the rest of my life, I have lost the opportunity to have a legitimate relationship or marriage, which lessens by age. And because of the trauma that Khalid inflicted on me, I have not been able to date a man, because Khalid scared me emotionally. I constantly suffer from this scar, and cannot determine when and how I will heal from it.

WHEREFORE: I the Plaintiff demand Judgment on this count.

I request a jury trial on all counts.

Respectfully submitted



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Dated: October 18, 2021

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AFFIDAVIT IN SUPPORT OF
THE COMPLAINT FOR FRAUDULENT CONTRACT

I, Carline Vilbon, the Plaintiff do depose as Follow: That on October 15, 2021 I filed a true and accurate copy of the following documents:

1. The Plaintiff, Carline Vilbon and Defendant's marriage Certificate as Exhibit "A"
2. The text messages translation between Lina Benjelloun and the defendant who referred to each other as husband and wife as Exhibit "B".
3. The Certified text translations of the Plaintiff and Lina Benjelloun as Exhibit "C".

I the Plaintiff, carline Vilbon, signed this Affidavit with the U.S. District Court for the District of Massachusetts in support of the Complaint for Fraudulent Contract. I attest that the information is true and accurate to the best of my knowledge.



Carline Vilbon

Dated October 18, 2021